



EV449098292US

Attorney Docket No.: 2001-8050-RA  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.: 10/090,268 )  
Filed: March 4, 2002 ) Examiner: Nguyen, Camtu Tran  
Inventor: WYCKOFF, Robert ) Art Unit: 4134  
For: SLEEP APNEA DEVICE AND METHOD )  
THEREOF )

RESPONSE TO OFFICE ACTION

Mail Stop Response - No Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Myers & Kaplan,  
Intellectual Property Law, L.L.C.  
1899 Powers Ferry Road  
Suite 310  
Atlanta, GA 30339

March 11, 2004

Dear Examiner Nguyen,

Responsive to the Office Action mailed February 11, 2004, in the above-styled patent application, please note election as indicated and amend the application as indicated. Please find enclosed a Status of All Claims.

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence, along with any papers referred to therein as being attached or enclosed therewith, is being deposited with the United States Postal Service with sufficient postage as Express Mail, No. EV449098292US, in an envelope addressed to the Commissioner for Patents,

P.O. Box 1450, Alexandria, VA, 22313-1450 on:

March 11, 2004

(Date)

LaRenda Meyer

Name of the person mailing the paper or fee

  
(Signature of the person mailing)

### RESTRICTION ELECTION

Pursuant to Examiner's restriction requirement, Applicant elects Species I as shown in Figure 1, Claims 1-19 and 21-24 reading thereon. Applicant respectfully traverses said restriction.

Applicant respectfully asserts that Claim 20 reads on Examiner's second species, as shown in Figure 4, wherein independent claims 1, 17 and 21 each are generic to the species within Claim 20. As described on page 11, lines 10-13, the embodiment of Figure 4 is an alternate embodiment by virtue of a connection to an external negative pressure means. As further described on page 16, lines 5-9, the external negative pressure means can be incorporated to "control and/or assist in the creation and/or maintenance of negative pressure." The addition of the external negative pressure means is an optional limitation, and as such, the species should be included within the generic definition of Independent Claims 1, 17 and 21.